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OFFICE OF PETITIONS

In re Patent No. 5,915,641
Issue Date: June 29, 1999
Application No. 08/325,549
Filed: October 18, 1994
Patentee: Daniel A. Barberg

ON PETITION

This is a decision in response to a petition under 37 CFR 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent. The delay in responding is regretted; however, a copy of the petition was recently referred to the Office of Petitions by a letter filed May 24, 2011. While the original petition cannot be located it is noted that the petition includes a Certificate of Mailing under 37 CFR 1.8(a) dated June 16, 2009. Further, USPTO finance records confirm receipt on the requisite maintenance fee and surcharge on June 22, 2009.

The petition is GRANTED.

This patent expired on June 29, 2007 for failure to pay the second maintenance fee. While the original petition cannot be located it is noted that the copy of the petition includes a Certificate of Mailing under 37 CFR 1.8(a) dated June 16, 2009. Further, USPTO finance records confirm receipt on the requisite maintenance fee and surcharge on June 22, 2009. Accordingly, it is conceded that the petition was filed on June 22, 2009 and subsequently lost in the USPTO. As the petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition is timely filed under the provisions of 37 CFR 1.378(c).

The 7 ½ year maintenance fee in this case is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition.

It is also noted that a fee payment of \$2,055 was paid on May 24, 2011 for the 11 ½ year maintenance fee payment; however, since the payment was submitted after the six (6) month grace period, a \$65 surcharge is required.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
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cc: DANIEL A. BARBERG
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